

SEC. 13-1-33 PUD (PLANNED UNIT DEVELOPMENT) DISTRICT.

- (a) **INTENT.** It is the intent of the City of Menasha that planned development be encouraged for those areas of the community now developed **or undergoing redevelopment**, and in those areas which, in time, would be annexed to the City. More specifically, it is the intent to:
- (1) Promote and permit flexibility that will encourage a more creative and imaginative approach in development and result in a more efficient, aesthetic, desirable and economical use of land, while maintaining intensity of use consistent with the adopted comprehensive plan.
 - (2) Provide minimal effect upon adjacent properties and existing development. To this end, the Plan Commission may make appropriate requirements.
 - (3) Promote development that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension.
 - (4) Promote flexibility in design, placement of buildings and use of open space, pedestrian and vehicular circulation facilities and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.
 - (5) Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainage ways, floodplains, ponds, lakes, topography, rock outcroppings, unique areas of vegetation, stands of trees and other similar natural assets.
 - (6) Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.
 - (7) Provide for the enhancement of the natural setting through careful and sensitive placement of man-made facilities and plant materials

STANDARDS. Even though PUD's purpose is to permit flexibility of design, certain standards must be applied to insure compatibility of the project with the intent of this Chapter. These standards are:

- (1) Permitted Uses. **Uses eligible for inclusion in the PUD include any use listed as a permitted use or special use in the zoning district that the subject property (ies) was (were) located within immediately prior to the requested zoning classification change to PUD.** ~~Normal permitted uses are those of a residential character including single family (detached or attached), two (2) family and/or multiple family dwellings, churches and the usual accessory buildings, such as garages, storage space, maintenance structures and buildings for recreational purposes. Commercial uses, limited to those specifically approved by the Common Council, are permitted, provided that such uses are primarily for the service and convenience of the residents of the development. Such commercial uses are encouraged to be located within residential buildings. However, if such uses are proposed to be contained with a separate freestanding structure:~~
 - ~~a. They must be so designed to reflect the residential character of the development; and~~
 - ~~b. They may contain an identification sign of no more than four (4) sq. ft., placed flush on one (1) wall and generally not observable from the periphery of the development.~~
- (2) Harmony With Surrounding Uses: The uses and designed of **the** PUD will be harmonious with the character or the surrounding area in terms of density, intensity

of use, size and heights of buildings, architecture and other impacts.

- (3) Tract. Size. The minimum size tract for a PUD is one (1) acre.

- (4) Parking. All parking ~~must meet~~ **shall generally comply with** the requirements as set forth in Article E. **Any variation from these requirements shall be noted on the PUD plan and any subsequent approval thereof.** Parking lot design consideration shall be as follows:

- a. Parking areas shall be treated as an integral part of the development in scale, location and character;
- b. Parking areas shall be so arranged to discourage through traffic;
- c. As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade and/or other similar examples; and
- d. Parking areas shall be so designed to allow for drainage of surface water without erosion, flooding and other inconveniences.

- ~~(5) Harmony With Surrounding Uses: The uses and designed of PUD will be harmonious with the character or the surrounding area in terms of density, intensity of use, size and heights of buildings, architecture and other impacts.~~

- (5) Open Space. A major portion of any PUD is its open space. The desirability is closely tied to the integration of open space with the total development. The intent statement of this Section sets forth the overall objective desired for PUDs. Therefore, no quantitative standards are stated in this Section. Quality standards acknowledge the separate and multiple functions of open space: active recreation, passive recreation and preservation of natural site amenities. In designing the PUD, consideration shall be given to such functions.

- (6) Shoreland Setbacks.

- a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

- 1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

- a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

- b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

- (d) **DESIGNATION OF THE PUD DISTRICT.** If the Common Council approves the PUD plan, then the land may be designated as a PUD District in accordance with the rezoning procedures described in this Code. Thereafter, building permits may be issued in accordance with the approved PUD plan.

- (e) **CHANGES IN APPROVED PLAN.** Changes of a minor nature may be approved by the Department of Community Development. However, any proposed change of major consequence may only be authorized by the Common Council upon recommendation by the Plan Commission. Major changes shall include:

- (1) Non-conformance to the original approved overall statement of intent;
- (2) Any increase in density, numbers and/or types of dwelling units; and
- (3) Any change in maximum height or change in location of structures or buildings.

If any proposed change is questionable, whether it is of major or minor consequence, such

determination shall be made by the Common Council. A PUD plan runs with the land and is binding on any and all interested parties from and after the time a PUD is approved.

- (f) **GUARANTEE OF COMPLETION.** At the time of final approval of the PUD plan, the Plan Commission may require a contract, with safeguards satisfactory to the City Attorney, guaranteeing completion of the development prior to a present date. If the development is to be constructed in stages, the Plan Commission may require a contract, with safeguards satisfactory to the City Attorney, guaranteeing completion of any stage; such contract shall be signed prior to the issuance of building permits for any stage. The Plan Commission shall notify the developer in writing, prior to preliminary plan approval of the Commission's intention to require a guarantee of completion for any stage.